GOVERNMENT OF ANDHA PRADESH
ABSTRACT

Public Services - Health Medical & Family Welfare Department - Allegations of irregularities against Smt. A.Satyavathi, formerly District Public Health Nursing Officer, O/o. PO, DTT, East Godavari District and retired as District Public Health Nursing Officer, O/o. The Principal, Regional Training Centre(Female), Visakhapatnam - Disciplinary action initiated – Inquiry Conducted – Proved - Punishment imposed – WP No. 5668 of 2025 filed - Orders of Hon'ble High Court Dt. 17.03.2025 - Representation - Rejected - Speaking orders - Issued.

HEALTH, MEDICAL & FAMILY WELFARE (VC.I) DEPARTMENT

G.O.RT.No. 447 **Dated: 02-07-2025**

Read the following:

1. Charge Memo. Rc No.438/FW.E3/2016, dated.07.02.2017 of Commissioner of Health &Family Welfare, A.P., Vijayawada.
2. WSD of Smt.A.Satyavathi, District Public Health Nursing Officer, O/o.PO DTT, East Godavari District, Dated.06.04.2017 received through the DM&HO, East Godavari District, Kakinada.
3. From the Commissioner of Health & Family Welfare, AP, Vijayawada, Lr.Rc No.438/FW.E3/2016, dated.02.06.2017& 19.02.2018.
4. From the Commissioner of Health & Family Welfare, AP, Vijayawada, Lr.Rc No.438/FW.E3/2016, dated.09.05.2019 along with Enquiry Officer Report (Rc.No.Enq/PO(Trg.&QA)/2018, Dt.29/01/2019 &02/03/2019)
5. Govt. Memo No.HMF01-PHFWOCFWE (VDIS)/2/VC.1(2)/2019, HM&FW (Vig.I) Dept., Dated:30.05.2019.
6. From the DPH&FW, AP, Vijayawada, Lr.Rc No.438/FW-E3/2016, dated:16.08.2019 along with Explanation of Smt. A.Satyavathi, DPHNO (Retd), Dt.25.07.2019.
7. Govt. Memo.No.HMF01-PHFWOCFWE(VDIS)/2/VC1(2)/2019, HM&FW (Vig.I) Dept., Dated:24.11.2020.
8. Explanation of Smt. A.Satyavathi, DPHNO (Retd), O/o. Principal, RTC (F), Visakhapatnam, Dated.03-03-2021.
9. From the CH&FW, AP, Mangalagiri, Rc.No.438/FW.E3/2016, Dated.21.07.2021 & 10.12.2021.
10. Govt.Lr.No.HMF01-PHFW0CFWE(VDIS)/2/2019-VC-I, HM&FW (Vig.I) Dept., Dt.09.05.2022.
11. From the Secretary, APPSC, File No.GAD03-APPS0DCC/27/2022-DC SEC-APPSC Computer No.1741975, Dated.06.07.2022.
12. G.O.Rt.No.755, HM&FW(VC.I) Dept., Dated: 29.09.2022.
13. Orders of the APHC Dt. 17.03.2025 in WP No. 5668 of 2025 filed by Smt.A.Satyavathi.
14. Govt. Lr.No..No.897643/VC1/2019, HM&FW (Vig.I) Dept., Dt:29.04.2025.
15. Representation from Smt.A.Satyavathi, DPHNO (Retd) Dt:07.05.2025.

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ORDER:-

In the reference 1st read above, the Commissioner of Health & Family Welfare, Andhra Pradesh, Vijayawada had initiated disciplinary proceedings against Smt.A.Satyavathi, District Public Health Nursing Officer (Retd.), O/o Principal, Regional Training Centre (Female), Visakhapatnam (herein referred to as Charged Officer) while working as District Public Health Nursing Officer in O/o. PO, DTT, East Godavari District as per Rule 20 of APCS (CC&A) Rules, 1991 by framing the Article of Charges;

2. Upon receipt of the Written Statement of Defence of the Charged Officer in the reference 2nd read above, the Commissioner of Health &Family Welfare, A.P., Vijayawada appointed an Inquiry Officer as per A.P. Civil Services (CC&A) Rules, 1991 vide reference 3rd read above to inquire in to the charges framed against her.

3. The Inquiry Officer has conducted an enquiry and submitted report to the Commissioner of Health &Family Welfare, A.P., Vijayawada. As per the Inquiry report, the Inquiry Officer held that allegation made in Charge 1 is proved against the Charged Officer. As the Charge Officer had retired from service, the Commissioner of Health & Family Welfare, A.P., Vijayawada forwarded the Inquiry Report to the Government through reference 4th read above, for taking necessary action.

4. In the reference 5th read above, the Government has communicated the Enquiry Report to the Charged Officer for submitting her representation on the findings/conclusions of the Inquiry Officer in the Enquiry Report. Her representation was received through the reference 6th read above.

(PTO)

5. Government after careful examination of the Charge memo along with the findings of the Inquiry Officer in the Enquiry report and the representation of the Charged Officer, a provisional decision to impose a penalty of 10% cut in pension permanently under Rule 9(1) of A.P. Revised Pension Rules, 1980 on her was taken. The provisional decision to impose penalty of the Government was informed to the charged Officer by way of a show cause notice in the reference 7th read above.

6. In reply to the Show-Cause Notice, the Charged Officer then submitted her explanation in the reference 8th read above.

7. Government after having examining the matter, decided to confirm the penalty of 10% cut in pension permanently against the Charged officer under Rule 9(1) of A.P. Revised Pension Rules, 1980 and subsequently sought the concurrence of the Andhra Pradesh Public Service Commission(APPSC) in the reference 10th read above.

8. The Andhra Pradesh Public Service Commission has agreed with the proposal of the Government to impose the said penalty against the Charged Officer in the reference 11th read above.

9. In the G.O.12th read above, orders were issued imposing the penalty of 10% cut in pension permanently against the Charged Officer.

10. Aggrieved by the above orders, the Charged Officer approached the Hon'ble AP High Court by way of filing WP No.5668 of 2025 seeking directions on the impugned G.O.Rt.No.755, HM&FW(VC.I) Dept., Dated: 29.09.2022 imposing major penalty of 10% cut in pension permanently against her stating that it is highly illegal arbitrary etc., apart from disproportionate and violative of Principles of Natural Justice and further without proper reasons and seeking to set aside the same with all consequential benefits in the interest of justice.

11. The Hon'ble High Court of AP while disposing the said W.P in their orders dated: 17-03-2025 in the reference 13th read above has inter-alia ordered that :

> "A perusal of the impugned order goes to show that Government except narrating the sequence of events, has not indicated any reasons as to why the proposed penalty came to be confirmed and there is completely non-application of mind and consideration to explanation offered by the petitioner. Since the order lacks any reasons in coming to conclusion that petitioner be imposed penalty as stated therein, on this ground alone, the writ petition has to be allowed.
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> In this view of the matter, G.O.Rt.No.755, dated 29.09.2022, issued by the 1st respondent is set aside and the matter is remanded back to the 1st respondent to consider the explanation offered by the petitioner and after affording an opportunity of hearing to the petitioner, pass a speaking order with reasons in accordance with law. This exercise shall be completed within a period of six weeks from the date of receipt of copy of this order. With the above direction, this writ petition is disposed of accordingly. No costs".

12. In the reference 14th read above, the Writ Petitioner Smt. A.Satyavathi was requested to attend for personal hearing on 07.05.2025. Smt. A.Satyavathi has attended for hearing in person on 07.05.2025.

13. After the personal hearing, Smt. A.Satyavathi has submitted her representation to the Competent Authority vide reference 15th read above. In her representation she has stated that on 18/3/2016, ASHA Dharna had happened on multiple demands. One of the demand in the Dharna was that payment of ASHA wages got delayed for the months of Nov 2015, Dec 2015, Jan 2016. As per DPHNO'S allotted duties, she has prepared and submitted monthly reports on ASHA performance based incentives & ASHA Day Expenditure along with the details of absentees/non-reporting in the PHCs up to the month of January 2016 to PO,DTT. The PO, DTT had approved the reports up to the month of October 2015 on 01/02/2016. And the reports of the remaining months i.e., from November 2015 to January 2016, were in dispute. So the respective file has been submitted to the Collector for the process of sanctioning and the PO, DTT has conveyed the same (i.e., the payments due to ASHAs up to January, 2016. The proposals were submitted to the Collector) to ASHAs on the day of ASHAs Dharna i.e., on 18.03.2016. Hence there is no delay on her part.

14. Government with reference to the orders of Hon'ble High Court in W.P No. 5688 of 2025, have gone through the entire material available on record. The Inquiry Report was examined along with the representation of the Charged Officer submitted during the personal hearing. The Inquiry Officer's observation w.r.t Charge 1 were examined and following was noticed.

(Contd..3)

i. The DM&HO, East-Godavari, Kakinada in his letter dated 20-01-2016 has requested the P.O, DTT and DPHNO to furnish the ASHA wise actual Performance based Incentives and TA to DPMU Section from October-2015 onwards so as to pay the incentive and TA directly to ASHAs at district, since so far, budget requirements are not furnished to the DPMU Section.

ii. Responding to the instructions of the DM&HO, E.G. Dist, the PO, DTT in his letter dated 26.01.2016 has submitted a reply to the DM&HO that, he has directed Smt. A.Satyavathi, DPHNO who is ASHA Nodal officer of his office to prepare and furnish the ASHA wise performance based Incentives and TA to DPMU section time to time without delay and the DPHNO has gave a reply that she is unable to do that work as she doesn't have computer knowledge for preparation of the reports. In view of the inability expressed by the DPHNO, the PO, DTT has issued instructions to Sri P.Rajkumar, Data Entry Operator to support in preparation and consolidation of ASHA reports work to the DPHNO and also provided 2/3 staff like CHO/PHN/MPHS(F) from other institutions regularly to complete the work and to send ASHA performance based Incentive reports to the DPMU section. In spite of providing the additional staff to the DPHNO, she is unable to prepare the ASHA performance based Incentive Reports and related information in time i.e., in every subsequent month and she has not discharged her legitimate duties properly in the capacity of DPHNO.

15. From the Inquiry officer's report, it appears that despite the instructions issued by the PO, DTT, to the Writ petitioner Smt. A.Satyavathi has not prepared the consolidated ASHA performance reports and related information in time. Hence, it lead to DHARNA on 18.03.2016 and much in inconvenience to the administration as well as to the Government in public.

16. It is further observed that the Inquiry Officer has considered her explanation during enquiry and submitted the Inquiry Report holding that the Charge-I is proved. The Inquiry Report was communicated to her vide Govt.MemoNo.HMF01-PHFWOCFWE (VDIS)/2/ VC.1(2)/2019, Dated:30.05.2019 with a direction to submit her explanation if any separately on the charges within 15 days from the date of receipt of memo. She submitted her explanation, Dt.25.07.2019. The same was also examined by Government. At every step of the enquiry, Principles of Natural Justice were followed. As per the extant rules, concurrence of Andhra Pradesh Public service Commission was taken before imposition of penalty as the Charged Officer had superannuated.

17. In accordance with the orders of the AP High Court, Dt.17.03.2025, Government has re-examined the matter after giving a chance for personal hearing. It is evident that the charge against the Charged officer stands proved. Her failure to fulfil her duties despite clear instructions and available support demonstrates negligence in discharging her responsibilities. The penalty of 10% cut in pension permanently had been imposed by the Government after much deliberation and in concurrence with APPSC.

18. Accordingly, Government hereby impose the penalty of 10% cut in pension permanently against the Charged Officer Smt. A.Satyavathi, DPHNO (Retd), O/o Principal, Regional Training Centre (Female), Visakhapatnam.

19. The Orders of the Hon’ble High Court Dated.17.03.2025 in WP No. 5668 of 2025 are complied with.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr MANJULA D HOSMANI
SECRETARY TO GOVERNMENT

To
Smt. A.Satyavathi, formerly DPHNO, retired as DPHNO, O/o Principal, Regional Training Centre (Female), Visakhapatnam through the Commissioner of Health & Family Welfare, A.P., Mangalagiri.
The Commissioner of Health & Family Welfare, A.P., Mangalagiri.
Copy to :
The GP for Services IV, APHC, Nelapadu.
The PS to Secretary to Government, HM&FW Department.
SF/SC

//FORWARDED::BY ORDER//

SECTION OFFICER